

REMARKS

The foregoing amendments and these remarks are responsive to the Office Action mailed October 21, 2004 in connection with the above-identified application. The Applicant is pleased to note that the application is in condition for allowance except for formal matters, and that prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Claim Objections

In the Action, the Examiner stated that claims 1-20 would be allowable if rewritten to overcome the objections set forth in the Action. In the foregoing amendments, the Applicant has amended the claims as follows:

In claims 1 and 12, the Examiner objected to the phrase "said austenite/martensite phase" as having insufficient antecedent basis. The Applicant has amended the phrase to read -- said phase transformation -- . This phrase as amended has proper antecedent basis in both claims 1 and 12. As required by the Examiner, the word "transition" has been replaced with -- transformation-- in claims 1 and 12.

In claims 7 and 18, the Examiner objected to the limitation "said at least one helical spring" as lacking antecedent basis from respective base claims 1 and 12. The instantly amended claim 7 now depends from claim 3, instead of claim 1, and the instantly amended claim 18 now

depends from claim 13, instead of claim 12, thus providing proper antecedent basis for this limitation in both claims 7 and 18.

The Applicant submits that all the informalities noted by the Examiner have been addressed, and requests withdrawal of the objections to claims 1, 7, 12 and 18.

Drawing Objections

In the Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because the Examiner stated that they did not include reference numbers 36, 64, 43, 63, 54, 28, 67, 52, and 53 from the description.

The Applicant would like to point out that reference numbers 63, 54, 28, and 67 were included in the drawings as filed, however they may not have been readily apparent to the Examiner because they were handwritten in somewhat shaded areas of Figs. 3D and 3E. In response to the Examiner's objection, the Applicant submits herewith replacement sheets containing Figs. 1, 2 and 3A-E which have been corrected to clearly show numbers 63, 54, 28 and 67 and their associated elements, as well as omitted reference numbers 36, 43, 64, 52 and 53.

The drawings were also objected to under 37 CFR 1.83(a) because the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner stated that the at least one helical spring and at least one anchor member claimed in claims 2 and 13 must be shown or canceled from the claims.

The Applicant wishes to respectfully point out that a helical spring 28 and anchor member 67 were depicted in the drawings as filed. The drawings as filed were informal

photocopies of color illustrations, and the reference numbers handwritten thereon may be difficult to discern in subsequent photocopies of the drawings. The anchor member 67 and the helical spring 28 can both be seen in original drawing Figures 3D and 3E. The helical spring 28 is hand-drawn in both figures. The Applicant is submitting herewith formal drawing figures which clearly depict elements present in the original Figures 3D and 3E as filed.

The Applicant submits that the corrected formal drawings submitted herewith are sufficient to overcome the above-noted objections by the Examiner.

Conclusion

In the foregoing amendments, the Applicant has addressed all objections made by the Examiner. The Applicant respectfully submits that the application now stands in condition for allowance. The Examiner is requested to telephone the undersigned in order to discuss any further objections, allowing Applicant to expedite a response.

Respectfully submitted,

MCHALE & SLAVIN, P.A.

12/7/04
Date



Leah C. Saar
Reg. No. 54,417

McHale & Slavin, P.A.
2855 PGA Blvd.
Palm Beach Gardens, FL 33410
(561) 625-6575 - VOICE
(561) 625-6572 - FAX

Amendments to the Drawings

In the drawings, please substitute the enclosed Replacement Sheets containing Figs. 1, 2 and 3A-E for in the drawings as filed (5 sheets).